



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

BOB CORBIN  
XXXXXXXXXXXXXXXXXXXX  
ATTORNEY GENERAL

February 21, 1979

Mr. Q. Dale Hatch  
Deputy County Attorney  
Maricopa County Attorney's Office  
400 Superior Court Building  
101 W. Jefferson  
Phoenix, Arizona 85003

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Re: I79-051 (R78-306)

Dear Mr. Hatch:

Pursuant to A.R.S. § 15-122(B) we decline to review your opinion addressed to the Internal Auditor of the Mesa Public Schools concerning who is responsible for damage to school property caused by juveniles previously made wards of the court. We believe the provisions of A.R.S. § 15-436(B), shielding the Board from personal liability when relying upon the Attorney General's written opinion, applies equally to Board action taken in reliance on a County Attorney's opinion which we have declined to review pursuant to A.R.S. § 15-122(B).<sup>1</sup>

Sincerely,

*Bob Corbin*

BOB CORBIN  
Attorney General

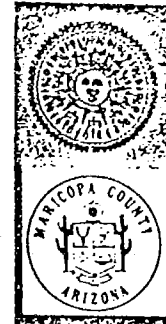
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1. Concerning the liability of foster parents for the actions of children placed in their care, see Op. Atty. Gen. No. 77-98. It is difficult to imagine a situation in which the State of Arizona or any state agency could be liable for the actions of such children. Cf. Op. Atty. Gen. No. 78-200.

OFFICE OF THE MARICOPA COUNTY ATTORNEY  
CHARLES F. HYDER COUNTY ATTORNEY

400 SUPERIOR COURT BUILDING, 101 W. JEFFERSON, PHOENIX, ARIZONA



September 21, 1978

Mr. Cliff Nugent  
Internal Auditor  
Mesa Public Schools  
549 North Stapley Drive  
Mesa, Arizona 85203

School Opinion No. 78-22

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**ARIZONA ATTORNEY GENERAL**

Dear Mr. Nugent:

Your letter of August 25, 1978, to Mr. Ernesto Garcia has been sent to this office for a response. In your letter you asked who is responsible for damage to school property caused by court - assigned juveniles.

In answer to your question, I believe that A.R.S. §15-446, which you cited, is applicable and it makes parents or guardians liable for all damage to school property caused by their children or wards. In my opinion, as long as the parental rights have not been severed by court order, the parents are responsible for damage to school property caused by their children even if the children are placed in a foster care situation by the Superior Court. However, if the foster parents are appointed guardians, they are liable for damage to school property caused by their wards.

This office has been unable to find any authority making the State liable for damage to school buildings and property by juveniles who are under Superior Court jurisdiction and placement.

A copy of this opinion is being sent to the Attorney General for his concurrence or revision.

Very truly yours,

CHARLES F. HYDER  
MARICOPA COUNTY ATTORNEY

By Q. Dale Hatch  
Q. Dale Hatch  
Deputy County Attorney

QDH:kb  
73/1